

Ordinance No. 5-11 ORDINANCE:

To amend Ordinance No. 30-09 granting Street Closing and Abandonment Application No. SCA2006-00097, Montgomery County Government, Applicant, so as to correct the description of the right of way to be abandoned

WHEREAS, Montgomery County Government, filed application No. SCA2006-00097, requesting that a 60 foot wide unimproved right-of-way known as Mount Vernon Place running between Maryland Avenue and Monroe Street, north of Block 3 in the Rockville Heights subdivision, containing 36,914 square feet of land, more or less, lying in the Fourth Election District (City of Rockville), Montgomery County, Maryland, be permanently closed and abandoned pursuant to the provisions of Chapter 21, Article III, Division 2 entitled "Permanent Closing and Abandonment," of the Rockville City Code; and

WHEREAS, property owners in the area of the right-of-way to be abandoned and all public utility companies authorized by the Public Service Commission to operate within the City of Rockville, were duly notified that said application had been filed and that a public hearing thereon would be held as specified in the public advertisement of the Mayor and Council of Rockville, Maryland; and

WHEREAS, the Mayor and Council of Rockville gave notice that a public hearing on said application would be held by the Mayor and Council of Rockville in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland on September 14, 2009, at 7:00 p.m., or as soon thereafter as it may be heard, which notice was published not less than ten days prior to the time of such hearing in a newspaper of general circulation in the City of Rockville; and

WHEREAS, on September 14, 2009, said application came on for hearing at the time and place provided in said advertisement; and

WHEREAS, the Planning Commission of the City of Rockville recommended that the application be denied until six specific conditions were addressed; and

WHEREAS, based upon the testimony presented and other evidence of record in the proceedings, the Mayor and Council determined that the granting of the application would not adversely affect the health, safety, security and best interests of the community of the City of Rockville, and

WHEREAS, on October 26, 2009, the Mayor and Council adopted Ordinance No. 30-09 granting Street Closing and Abandonment Application No. SCA2006-00097; and

WHEREAS, subsequent to the adoption of Ordinance No. 30-09, it was determined that the description of the area to be abandoned as shown on Exhibits A and B to Ordinance No. 30-09 and totaling 18,036 square feet of land, more or less, was inaccurate; and

WHEREAS, new Exhibits A and B have been prepared to reflect the correct description of the area to be abandoned totaling 36,047 square feet of land, more or less; and

WHEREAS, it is the desire of the Mayor and Council to amend Ordinance No. 30-09 to correct the description of the area to be abandoned

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

1. That Ordinance No. 30-09 granting Street Closing and Abandonment Application No. SCA2006-00097, for the closing and abandonment of a 60 foot wide unimproved right-of-way known as Mount Vernon Place running between Maryland Avenue and Monroe Street, north of Block 3 in the Rockville Heights subdivision, be and the same is hereby amended, by substituting the attached Exhibits A and B containing the correct description of the area to be abandoned for Exhibits A and B attached to Ordinance No. 30-09.
2. That all conditions of Ordinance No. 30-09 remain in full force and effect .

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of May 2, 2011.

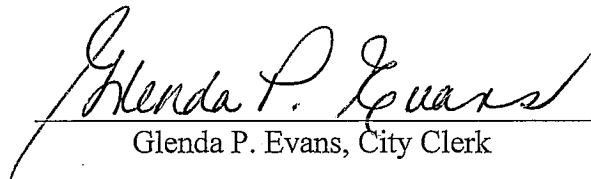

Glenda P. Evans, City Clerk

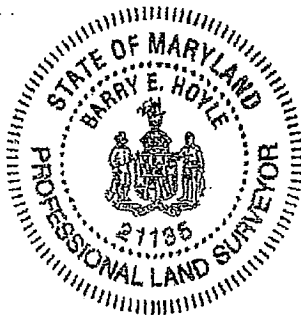
EXHIBIT "A"
PROPOSED STREET ABANDONMENT
MOUNT VERNON PLACE
ROCKVILLE HEIGHTS

Being a parcel of land, located in the City of Rockville, Fourth (4th) Election District of Montgomery County, Maryland, and also being all of Mount Vernon Place (60' R/W) as delineated on a plat of subdivision entitled "ROCKVILLE HEIGHTS "; as recorded among the Land Records of Montgomery County, Maryland in Plat Book A as Plat No. 56 and being more particularly described by Macris, Hendricks and Glascock, P.A. in the Maryland State Plane NAD83/2007 Datum as follows:

Beginning at a point on the southerly right-of-way limit of Maryland Avenue (65' R/W), said point also being on the southerly right-of-way limit of Mount Vernon Place (60' R/W), as delineated on the aforementioned plat, said point also being at the beginning of the South 60°23'34" East, 627.62 foot line as delineated on a plat entitled "Rockville Heights" and recorded among the aforesaid Land Records as Plat No. 15081, then binding with said right-of-way limit of Maryland Avenue

1. North 59°21'20" East, 69.13 feet to a point, said point being on the northerly right-of-way limit of said Mount Vernon Place (60' R/W), then binding with said right-of-way limit
2. South 60°25'32" East, 581.02 to a point, said point being on the fifth (5th) line of Liber 4452 at Folio 248 extended and the westerly right-of-way limit of Monroe Street (Variable Width R/W), then binding with said extended line and right-of-way limit

3. South 24°38'21" West, 60.22 feet to a point, said point being on the southerly right-of-way limit of said Mount Vernon Place, and also being on the South 60°23'34" East, 627.62 foot line of the aforementioned Plat No. 15081, then binding with said right-of-way and line reversely
4. North 60°25'32" West, 620.54 feet to the point of beginning; containing an area of 36,047 square feet or 0.82752 acres of land and as delineated on Exhibit "B" attached hereto and made a part hereof by this reference.



Certified correct to the best of my professional knowledge, information and belief and this description was prepared by me and is in conformance with Title 9, Subtitle 13, Chapter 6, Section .12 of the Minimum Standards of Practice for Land Surveyors. If the seal and signature are not violet colored, the document is a copy that should be assumed to contain unauthorized alterations. The certification contained on this document shall not apply to any copies.

Barry E. Hoyle

Macris, Hendricks & Glascock, P.A.
Barry E. Hoyle, Professional Land Surveyor
Maryland Registration No. 21135

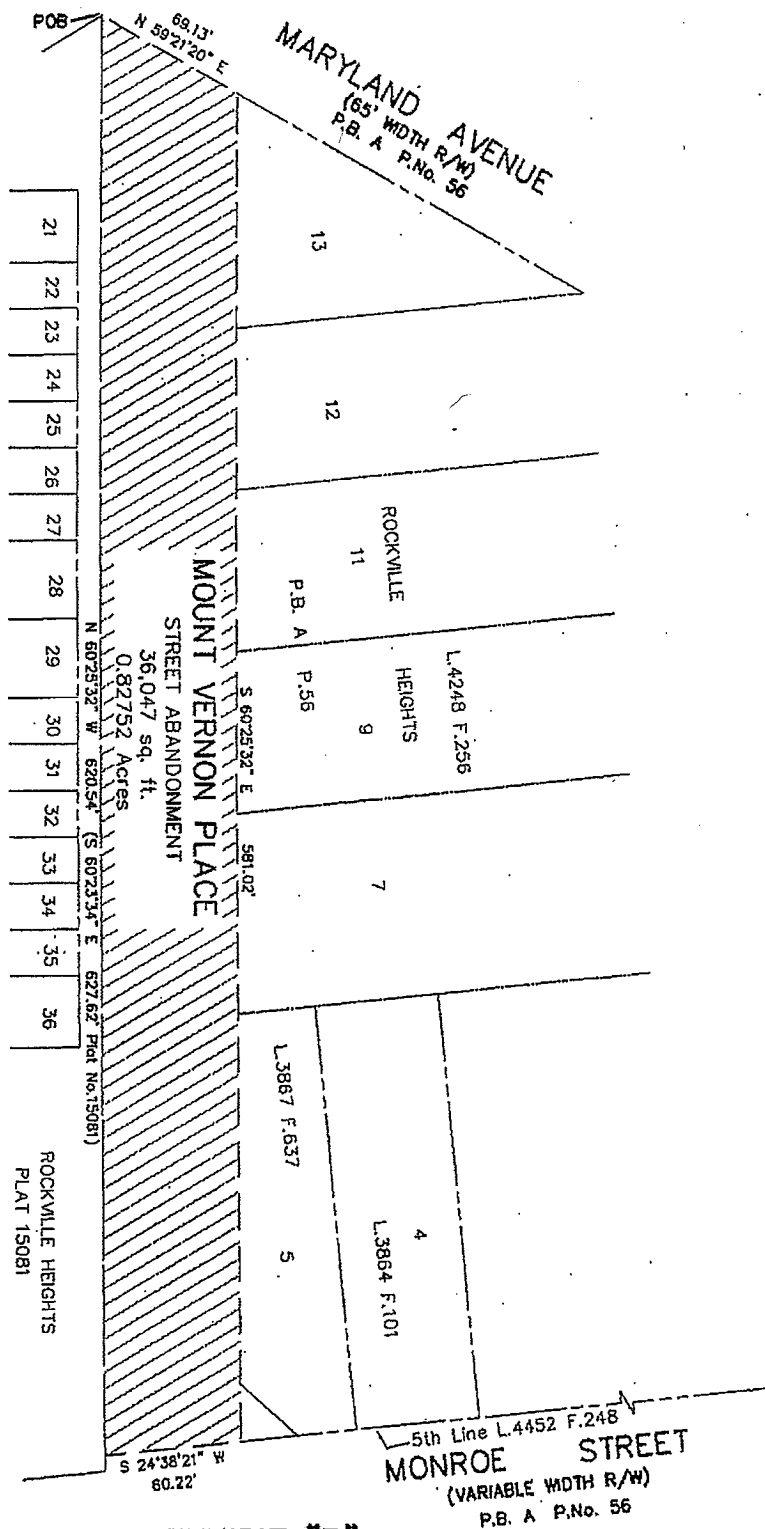
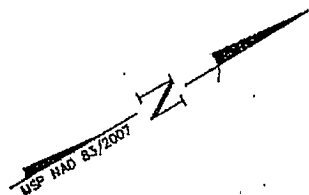


EXHIBIT "B"

PROPOSED STREET ABANDONMENT MOUNT VERNON PLACE ROCKVILLE HEIGHTS

SCALE 1" = 80' December, 2010
MONTGOMERY COUNTY, MARYLAND



MHG

Macris, Hendricks & Glascock, P.A.
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Landscape Architects • Surveyors

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JOB NO. 2008.111
EX_11_07